

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02092-BAH**

JUDGE ROTENBERG EDUCATIONAL CENTER, INC. et al
v. U.S. FOOD AND DRUG ADMINISTRATION et al
Assigned to: Chief Judge Beryl A. Howell
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 10/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**JUDGE ROTENBERG
EDUCATIONAL CENTER, INC.**

represented by **Max D. Stern**
TODD & WELD LLP
1 Federal Street
Boston, MA 02110
(617) 624-4712
Fax: (617) 227-5777
Email: mdstern@toddweld.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael P. Flammia
ECKERT SEAMANS CHERIN &
MELLOTT, LLC
2 International Place
16th Floor
Boston, MA 02110
(617) 342-6854
Fax: (617) 342-6899
Email: mflammia@eckertseamans.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Edward J. Longosz , II
ECKERT SEAMANS CHERIN &
MELLOTT, LLC
1717 Pennsylvania Avenue, NW
Suite 1200
Washington, DC 20006
(202) 659-6619
Fax: (202) 659-6699
Email: elongosz@eckertseamans.com
ATTORNEY TO BE NOTICED

Plaintiff

**J.R.C. PARENTS AND FRIENDS
ASSOCIATION, INC.**

represented by **Max D. Stern**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael P. Flammia
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Edward J. Longosz , II
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

PAUL E. PETERSON
PH.D

represented by **Max D. Stern**
 (See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael P. Flammia
 (See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Edward J. Longosz , II
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. FOOD AND DRUG
 ADMINISTRATION**

represented by **William Mark Nebeker**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2536
 Fax: (202) 252-2599
 Email: mark.nebeker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF HEALTH
 AND HUMAN SERVICES**

represented by **William Mark Nebeker**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/10/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Filing fee \$ 400 receipt number 0090-5151524) filed by The Judge Rotenberg Educational Center, Inc., Paul E. Peterson, PH.D., The J.R.C. Parents and Friends Association, Inc.. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit A-6, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit E, # <u>11</u> Exhibit F, # <u>12</u> Exhibit G, # <u>13</u> Exhibit H, # <u>14</u> Exhibit I, # <u>15</u> Exhibit J, # <u>16</u> Exhibit K, # <u>17</u> Exhibit L, # <u>18</u> Exhibit M, # <u>19</u> Exhibit N, # <u>20</u> Exhibit O, # <u>21</u> Exhibit P, # <u>22</u> Exhibit Q, # <u>23</u> Exhibit R, # <u>24</u> Civil Cover Sheet, # <u>25</u> Summons, # <u>26</u> Summons, # <u>27</u> Summons, # <u>28</u> Summons)(Longosz, Edward) (Entered: 10/10/2017)
10/10/2017	<u>2</u>	Corporate Disclosure Statement by The Judge Rotenberg Educational Center, Inc.. (Longosz, Edward) (Main Document 2 replaced on 10/11/2017) (zsth). (Entered: 10/10/2017)
10/10/2017		Case Assigned to Chief Judge Beryl A. Howell. (sth) (Entered: 10/11/2017)
10/11/2017	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(sth) (Entered: 10/11/2017)

10/12/2017	<u>4</u>	ERRATA by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON <u>1</u> Complaint,,, filed by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., PAUL E. PETERSON, JUDGE ROTENBERG EDUCATIONAL CENTER, INC.. (Longosz, Edward) (Entered: 10/12/2017)
10/13/2017	<u>5</u>	Corporate Disclosure Statement by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC.. (Longosz, Edward) (Entered: 10/13/2017)
10/16/2017	<u>6</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on October 16, 2017. (lcbah1) (Entered: 10/16/2017)
11/14/2017	<u>7</u>	NOTICE of Appearance by William Mark Nebeker on behalf of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Nebeker, William) (Entered: 11/14/2017)
11/20/2017	<u>8</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION.(Nebeker, William) Modified to add link on 11/21/2017 (znmw). (Entered: 11/20/2017)
12/04/2017	<u>9</u>	MEET AND CONFER STATEMENT. (Nebeker, William) (Entered: 12/04/2017)
12/06/2017		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>9</u> Joint Meet and Confer Report, the parties to file, by January 12, 2018, a further Joint Status Report proposing a schedule to govern further proceedings in this matter. Signed by Chief Judge Beryl A. Howell on December 6, 2017. (lcbah4) (Entered: 12/06/2017)
12/06/2017		Set/Reset Deadlines: Joint Status Report due by 1/12/2018. (tg) (Entered: 12/06/2017)
12/06/2017	<u>10</u>	MEET AND CONFER STATEMENT. (Longosz, Edward) (Entered: 12/06/2017)
12/07/2017		MINUTE ORDER (paperless) DIRECTING, in consideration of the parties' <u>10</u> Joint Meet and Confer Report, the parties to submit, by January 12, 2018, an additional Meet and Confer Report and propose a briefing schedule. Signed by Chief Judge Beryl A. Howell on December 7, 2017. (lcbah1) (Entered: 12/07/2017)
12/08/2017		Set/Reset Deadlines: Joint Meet & Confer Report due by 1/12/2018. (tg) (Entered: 12/08/2017)
12/12/2017	<u>11</u>	Unopposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Max D. Stern, :Firm– Todd & Weld LLP, :Address– 1 Federal Street, Boston, MA 02110. Phone No. – 617–624–4712. Fax No. – 617–227–5777 Filing fee \$ 100, receipt number 0090–5243797. Fee Status: Fee Paid. by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Longosz, Edward) (Entered: 12/12/2017)
12/12/2017	<u>12</u>	Unopposed MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Michael P. Flammia, :Firm– Eckert Seamans Cherin & Mellott, LLC, :Address– 2 International Place, 16th Floor, Boston, MA 02110. Phone No. – 617–342–6854. Fax No. – 617–342–6899 Filing fee \$ 100, receipt number 0090–5243811. Fee Status: Fee Paid. by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Longosz, Edward) (Entered: 12/12/2017)
12/13/2017		MINUTE ORDER (paperless) GRANTING the plaintiffs' <u>11</u> and <u>12</u> Unopposed Motions for Admission Pro Hac Vice of Max D. Stern and Michael P. Flammia. Messrs. Max D. Stern, Esq. and Michael P. Flammia, Esq. may enter appearances pro hac vice for the purpose of representing the plaintiffs in this action. Signed by Chief Judge Beryl A. Howell on December 13, 2017. (lcbah1) (Entered: 12/13/2017)
01/05/2018	<u>13</u>	NOTICE of Appearance by Max D. Stern on behalf of J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC. (Stern, Max) (Entered: 01/05/2018)
01/08/2018	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/6/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 11/6/2017; U.S. FOOD AND DRUG ADMINISTRATION served on 11/6/2017,

		RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/6/2017. (Answer due for ALL FEDERAL DEFENDANTS by 12/6/2017.) (Attachments: # <u>1</u> Affidavit of Service)(Longosz, Edward) (Entered: 01/08/2018)
01/09/2018	<u>15</u>	NOTICE of Appearance by Michael P. Flammia on behalf of JUDGE ROTENBERG EDUCATIONAL CENTER, INC. (Flammia, Michael) (Main Document 15 replaced on 1/10/2018) (znmw). (Entered: 01/09/2018)
01/12/2018	<u>16</u>	MEET AND CONFER STATEMENT. (Longosz, Edward) (Entered: 01/12/2018)
01/19/2018		NOTICE OF HEARING: The parties shall take notice that a Status Hearing is scheduled for 1/26/2018, at 9:00 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 01/19/2018)
01/25/2018		NOTICE OF RESCHEDULED HEARING: The parties shall take notice that the Status Hearing originally scheduled to be heard on January 26, 2018, is RESCHEDULED for February 2, 2018, at 9:00 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 01/25/2018)
02/02/2018		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 2/2/2018. (Order forthcoming.) (Court Reporter Elizabeth Saint-Loth.) (tg) (Entered: 02/02/2018)
02/02/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>16</u> Supplemental Joint Meet and Confer Statement and the proceedings held on Friday, February 2, 2018, see Minute Entry, dated Feb. 2, 2018, that, by 5 P.M. today, the plaintiffs shall submit a notice to the Court regarding the precise production to date of records responsive to the plaintiffs' requests under the Freedom of Information Act ("FOIA"); and the defendants shall notify the Court of the same, along with the dates of any referral of the plaintiffs' FOIA requests at issue to components of Health and Human Services ("HHS") other than the FDA; and ISSUING the following SCHEDULING ORDER: (1) by March 2, 2018, the defendants shall file a Vaughn Index for all documents produced, in full or in part, or withheld, by each FDA component other than the Center for Devices and Radiological Health ("CDRH"); (2) by April 2, 2018, the parties shall file any dispositive motions as to issues arising from the responses by each FDA component other than the Center for Devices and Radiological Health ("CDRH"), to the plaintiffs' FOIA requests; (3) by May 4, 2018, the parties shall file any oppositions; (4) by May 14, 2018, the parties shall file any replies; (5) the CDRH and any other HHS component to which a referral has been made shall make a rolling production of no fewer than 5,000 pages per month to the plaintiffs, beginning on March 1, 2018, and continuing every sixty days thereafter until production is complete; and (6) by September 5, 2018, and with every production thereafter, the parties shall file a joint status report advising the Court on the status of the CDRH production, including the number of records produced, in full or in part or withheld, and remaining for processing, and the estimated date for completion of such processing. Signed by Chief Judge Beryl A. Howell on February 2, 2018. (lcbah1) (Entered: 02/02/2018)
02/02/2018	<u>17</u>	NOTICE <i>To The Court</i> by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Longosz, Edward) (Entered: 02/02/2018)
02/02/2018		Set/Reset Deadlines: Rolling production of no fewer than 5,000 pages per month to begin by 3/1/2018; Vaughn Index due by 3/2/2018; Dispositive Motions due by 4/2/2018; Oppositions to Dispositive Motions due by 5/4/2018; Replies due by 5/14/2018; Joint Status Report due by 9/5/2018, and with every production thereafter. (tg) (Entered: 02/02/2018)
02/02/2018	<u>18</u>	STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 02/02/2018)
03/02/2018	<u>19</u>	NOTICE <i>Of Filing Vaughn Index</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Attachments: # <u>1</u> Exhibit Vaughn Index, # <u>2</u> Exhibit Cover Letter)(Nebeker, William) (Entered: 03/02/2018)

03/27/2018	<u>20</u>	Joint MOTION to Amend/Correct <i>Scheduling Order</i> by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Proposed Amended Scheduling Order)(Longosz, Edward) (Entered: 03/27/2018)
03/29/2018		MINUTE ORDER (paperless) AMENDING, upon consideration of the parties' <u>20</u> Joint Motion to Amend/Correct Scheduling Order, the SCHEDULING ORDER as follows: by May 11, 2018, the parties shall file a joint status report updating the Court as to the parties' progress in resolving any areas of disagreement. By June 8, 2018, the defendants shall file (i) an updated Vaughn index for all documents produced, in full or in part, or withheld by each FDA component other than CDRH, as well as (ii) any dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests. By July 13, 2018, the plaintiffs shall file any dispositive motions or cross-motions and/or any oppositions to the defendants' dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests. By August 17, 2018, the defendants shall file any replies in support of their dispositive motions and/or oppositions to the plaintiffs' dispositive motions. By August 31, 2018, the plaintiffs shall file any replies in support of their dispositive motions. Signed by Chief Judge Beryl A. Howell on March 29, 2018. (lcbah1) (Entered: 03/29/2018)
03/30/2018		Set/Reset Deadlines: Joint Status Report due by 5/11/2018; defendants' updated Vaughn Index and any dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests due by 6/8/2018; plaintiffs' Dispositive Motions or Cross-Motions and/or any oppositions to the defendants' dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests due by 7/13/2018; defendants' replies in support of Dispositive Motions and/or oppositions to the plaintiffs' dispositive motions due by 8/17/2018; plaintiffs' replies in support of their dispositive motions due by 8/31/2018.(tg) (Entered: 03/30/2018)
05/11/2018	<u>21</u>	Joint STATUS REPORT and Request to Extend the Scheduling Order by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON. (Longosz, Edward) (Entered: 05/11/2018)
05/11/2018	22	MOTION to Extend the Scheduling Order by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (See docket entry <u>21</u> to view document)(zrdj) (Entered: 05/14/2018)
05/15/2018		MINUTE ORDER (paperless) MODIFYING the scheduling order as follows: by (1) June 15, 2018, the parties shall file a Joint Status Report updating the Court on their progress in resolving any areas of disagreement; (2) July 12, 2018, the defendants shall file any dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests, as well as an updated Vaughn index for all documents produced, in full or in part, or withheld by each FDA component other than CDRH; (3) August 10, 2018, the plaintiffs shall file any dispositive motions or cross-motions and/or any oppositions to the defendants' dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests; (4) September 7, 2018, the defendants shall file any replies in support of their dispositive motions and/or any oppositions to the plaintiffs' dispositive motions; (5) September 21, 2018, the plaintiffs shall file any replies in support of their dispositive motions. Signed by Chief Judge Beryl A. Howell on May 15, 2018. (lcbah1) (Entered: 05/15/2018)
05/16/2018		Set/Reset Deadlines: Joint Status Report due by 6/15/2018; Dispositive Motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests, as well as an updated Vaughn index for all documents produced, in full or in part, or withheld by each FDA component other than CDRH due by 7/12/2018; Dispositive Motions or Cross-Motions and Oppositions to the dispositive motions concerning the responses by all FDA components other than CDRH to the plaintiffs' FOIA requests due by 8/10/2018. Reply in Support of Dispositive Motions or Oppositions to Dispositive Motions due by 9/7/2018; Reply in support of plaintiffs' dispositive Motions due by 9/21/2018. (tg) (Entered: 05/16/2018)

06/15/2018	<u>23</u>	Joint STATUS REPORT by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON. (Longosz, Edward) (Entered: 06/15/2018)
07/12/2018	<u>24</u>	NOTICE (<i>Notice of Filing in Support of Defendants' Motion for Partial Summary Judgment</i>) by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Attachments: # <u>1</u> Declaration (Declaration of Nelson D. Hermilla), # <u>2</u> Declaration (Declaration of Sarah Kotler), # <u>3</u> Declaration (Declaration of Michael S. Marquis), # <u>4</u> Declaration (Declaration of David Mednick), # <u>5</u> Declaration (Declaration of Richard Nicholls), # <u>6</u> Declaration (Declaration of Melissa Pickworth), # <u>7</u> Declaration (Declaration of Barbara A. Recupero), # <u>8</u> Declaration (Declaration of Eric F. Stein), # <u>9</u> (Updated Vaughn Index))(Nebeker, William) (Entered: 07/12/2018)
07/12/2018	<u>25</u>	MOTION for Partial Summary Judgment by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/12/2018)
07/17/2018	<u>26</u>	Consent MOTION to Modify <i>the Scheduling Order</i> by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Proposed Amended Scheduling Order)(Longosz, Edward) (Entered: 07/17/2018)
07/24/2018		MINUTE ORDER (paperless) MODIFYING, upon consideration of the plaintiff's <u>26</u> Consent Motion to Modify the Scheduling Order, as follows: (1) by September 7, 2018, the plaintiffs shall file any dispositive motion or cross-motion and/or any opposition to the defendants' <u>25</u> Motion for Partial Summary Judgment; (2) by October 19, 2018, the defendants shall file any reply in support of their dispositive motion and/or any opposition to the plaintiffs' dispositive motion; (3) by November 2, 2018, the plaintiffs shall file any reply in support of their dispositive motion. The Scheduling Order otherwise remains unchanged. Signed by Chief Judge Beryl A. Howell on July 24, 2018. (lcbah1) (Entered: 07/24/2018)
07/24/2018		Set/Reset Deadlines: Plaintiffs' dispositive motion or cross-motion and/or any opposition to motion for summary judgment due by 9/7/2018; defendants' opposition to dispositive motion and reply to opposition to motion for summary judgment due by 10/19/2018; plaintiffs' reply to opposition to dispositive motion due by 11/2/2018. (tg) (Entered: 07/24/2018)
09/05/2018	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 09/05/2018)
09/07/2018	<u>28</u>	NOTICE of Filing by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Declaration of Glenda P. Crookes, # <u>2</u> Declaration of Matthew D. Rodgers (Part 1), # <u>3</u> Declaration of Matthew D. Rodgers (Part 2))(Longosz, Edward) (Entered: 09/07/2018)
09/07/2018	<u>29</u>	Memorandum in opposition to re <u>25</u> MOTION for Partial Summary Judgment filed by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON. (Attachments: # <u>1</u> Text of Proposed Order)(Longosz, Edward) (Entered: 09/07/2018)
09/07/2018	<u>30</u>	Cross MOTION for Partial Summary Judgment and Memorandum in Support by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON (Attachments: # <u>1</u> Text of Proposed Order)(Longosz, Edward) (Entered: 09/07/2018)
10/05/2018	<u>31</u>	Consent MOTION to Modify <i>Briefing Schedule</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/05/2018)
10/09/2018		MINUTE ORDER (paperless) GRANTING the <u>31</u> Defendants' Consent Motion to Modify the Scheduling Order and ISSUING the following scheduling order: (1) by November 9, 2018, the defendants shall file any replies in support of their dispositive motions and/or oppositions to the plaintiffs' dispositive motions; (2) by December 10,

		2018, the plaintiffs shall file any replies in support of their dispositive motions. All other deadlines shall remain the same. Signed by Chief Judge Beryl A. Howell on October 9, 2018. (lcbah1) (Entered: 10/09/2018)
10/09/2018		Set/Reset Deadlines: Defendants' replies in support of their dispositive motions and/or oppositions to the plaintiffs' dispositive motions due by 11/9/2018; plaintiffs' replies in support of their dispositive motions due by 12/10/2018. (tg) (Entered: 10/09/2018)
10/29/2018	<u>32</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 10/29/2018)
11/09/2018	<u>33</u>	Memorandum in opposition to re <u>30</u> Cross MOTION for Partial Summary Judgment <i>and Memorandum in Support and Combined Reply in Support of Defendants' Summary Judgment Motion</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Attachments: # <u>1</u> Statement of Facts Response, # <u>2</u> Supplemental Vaughn Index, # <u>3</u> Declaration (supplemental) of R. Nicholls, # <u>4</u> Declaration (supplemental) of B. Recupero (with Attachment A thereto), # <u>5</u> Declaration (supplemental) of M. Marquis, # <u>6</u> Declaration (supplemental) of S. Kotler)(Nebeker, William) (Entered: 11/09/2018)
11/09/2018	<u>34</u>	REPLY to opposition to motion re <u>25</u> MOTION for Partial Summary Judgment <i>and Combined Opposition to Plaintiffs' Cross-Motion for Summary Judgment (attachments filed at ECF No. 33)</i> filed by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 11/09/2018)
12/10/2018	<u>35</u>	REPLY to opposition to motion re <u>30</u> Cross MOTION for Partial Summary Judgment <i>and Memorandum in Support of Plaintiffs' Cross-Motion for Partial Summary Judgment</i> filed by J.R.C. PARENTS AND FRIENDS ASSOCIATION, INC., JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON. (Attachments: # <u>1</u> Exhibit Exhibit a)(Longosz, Edward) (Entered: 12/10/2018)
12/21/2018	<u>36</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 12/21/2018)
02/19/2019	<u>37</u>	Consent MOTION to Modify <i>the Scheduling Order with proposed order</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION (Nebeker, William) Modified event title on 3/13/2019 (znmw). (Entered: 02/19/2019)
02/21/2019		MINUTE ORDER (paperless) GRANTING the <u>37</u> Defendants' Consent Motion to Modify the Scheduling Order and ISSUING the following SCHEDULING ORDER: (1) by April 1, 2019, the defendants shall produce no fewer than 10,000 pages of records from the Center for Devices and Radiological Health ("CDRH") and the parties shall file a joint status report advising the Court on the status of CDRH's production, including the number of records produced, in full or in part or withheld, and remaining for processing, and the estimated date for completion of such processing; (2) by May 30, 2019, the defendants shall produce no fewer than 10,000 pages of records from the CDRH and the parties shall file a joint status report advising the Court on the status of CDRH's production, including the number of records produced, in full or in part or withheld, and remaining for processing, and the estimated date for completion of such processing. The Scheduling Order otherwise remains unchanged. Signed by Chief Judge Beryl A. Howell on February 21, 2019. (lcbah1) (Entered: 02/21/2019)
03/21/2019	<u>38</u>	ORDER GRANTING in part and DENYING in part the defendants' <u>25</u> Motion for Partial Summary Judgment and GRANTING in part and DENYING in part the plaintiffs' <u>30</u> Cross-Motion for Partial Summary Judgment. <i>See Order for further details.</i> Signed by Chief Judge Beryl A. Howell on March 21, 2019. (lcbah1) (Main Document 38 replaced on 6/10/2019, pursuant to Errata docketed under ECF <u>43</u> .) (tg). (Entered: 03/21/2019)
03/21/2019	<u>39</u>	MEMORANDUM OPINION regarding the defendants' <u>25</u> Motion for Partial Summary Judgment and the plaintiffs' <u>30</u> Cross-Motion for Partial Summary Judgment. Signed by Chief Judge Beryl A. Howell on March 21, 2019. (lcbah1) (Main

		Document 39 replaced on 6/10/2019, pursuant to Errata docketed under ECF <u>43</u> .) (tg). (Entered: 03/21/2019)
03/22/2019		Set/Reset Deadlines: Joint Status Report due by 4/19/2019. (tg) (Entered: 03/22/2019)
04/01/2019	<u>40</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 04/01/2019)
04/18/2019	<u>41</u>	Joint STATUS REPORT by JUDGE ROTENBERG EDUCATIONAL CENTER, INC., PAUL E. PETERSON. (Longosz, Edward) (Entered: 04/18/2019)
04/22/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>41</u> Joint Status Report, the following SCHEDULING ORDER to control the timing of proceedings in this matter: (1) by May 30, 2019, consistent with the February 21, 2019 minute order, the defendants shall produce no fewer than 10,000 pages of records from CDRH and the parties shall file a joint status report advising the Court on the status of CDRH's production and the parties' negotiations to narrow the issues in dispute; (2) by July 29, 2019, the defendants shall produce no fewer than 10,000 pages of records, unless fewer than 10,000 pages remain to be produced, and the parties shall file a joint status report advising the Court on the status of CDRH's production, updating the Court on the status of the parties' negotiations to narrow the issues in dispute, and proposing a schedule for any dispositive briefing. Signed by Chief Judge Beryl A. Howell on April 22, 2019. (lcbah1) (Entered: 04/22/2019)
04/22/2019		Set/Reset Deadlines: Defendants' production of 10,000 pages and Joint Status Report due by 5/30/2019. Defendant's production of 10,000 pages and Joint Status Report due by 7/29/2019. (hmc) (Entered: 04/22/2019)
05/30/2019	<u>42</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 05/30/2019)
06/10/2019	<u>43</u>	ERRATA as to the <u>38</u> Order and <u>39</u> Memorandum Opinion. See attachment for further details. Signed by Chief Judge Beryl A. Howell on June 10, 2019. (lcbah1) (Entered: 06/10/2019)
07/29/2019	<u>44</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. FOOD AND DRUG ADMINISTRATION. (Nebeker, William) (Entered: 07/29/2019)
07/30/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>44</u> Joint Status Report ("JSR"), the following SCHEDULING ORDER to control further proceedings: (1) by August 16, 2019, the defendants shall produce to the plaintiffs the remaining 63 pages of records which were referred to the State Department; (2) by October 31, 2019, the parties shall file a joint status report updating the Court about the status of the case and any progress made toward completion of the <i>Vaughn</i> indices; (3) by March 20, 2020, the parties shall file a joint status report updating the Court about the status of the case and any progress made toward completion of the <i>Vaughn</i> indices; (4) by May 4, 2020, the defendants shall file (i) any dispositive motion, (ii) the revised Supplemental <i>Vaughn</i> Index, in accordance with the Court's <u>39</u> Memorandum Opinion and the procedures set out in the parties' JSR, for the production of non-CDRH records; and (iii) the sample <i>Vaughn</i> Index, in accordance with procedures set out in the parties' JSR, for the production of CDRH records; (5) by June 30, 2020, the plaintiff shall file any dispositive motion or cross-motion and any opposition to the defendants' dispositive motion; (6) by July 30, 2020, the defendants shall file any reply in support of their dispositive motion and any opposition to the plaintiffs' dispositive motion; (7) by August 31, 2020, the plaintiffs shall file any reply in support of their dispositive motion. Signed by Chief Judge Beryl A. Howell on July 30, 2019. (lcbah1) (Entered: 07/30/2019)
07/30/2019		Set/Reset Deadlines: Defendants' production of the remaining 63 pages of records which were referred to the State Department due by 8/16/2019; Joint Status Report due by 10/31/2019; Joint Status Report due by 3/20/2020 ; Defendants' Dispositive Motion and other filings pursuant to Minute Order entered on 7/30/2019, due by 5/4/2020; Plaintiffs' Dispositive Motion or Cross-Motion and any Opposition to the Defendants' Dispositive Motion due by 6/30/2020; Defendants' Reply in Support of their

		Dispositive Motion and any Opposition to the Plaintiff's Dispositive Motion due by 7/30/2020; Plaintiffs' Reply in Support of their Dispositive Motion due by 8/31/2020. (tg) (Entered: 07/30/2019)
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